

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

-----: :  
: :  
SONY MUSIC ENTERTAINMENT, et al.,: :  
Plaintiffs, : :  
: :  
-vs- : Case No. 1:18-cv-950  
: :  
COX COMMUNICATIONS, INC., et al.,: :  
Defendants. : :  
: :  
-----:

PARTIAL TRANSCRIPT  
(Jury Selection)

December 2, 2019

Before: Liam O'Grady, USDC Judge

And a Jury

APPEARANCES:

FOR THE PLAINTIFFS:

MATTHEW J. OPPENHEIM, ESQ.  
SCOTT A. ZEBRAK, ESQ.  
JEFFREY M. GOULD, ESQ.  
MICHAEL J. DRUCKMAN, ESQ.  
ANDREW L. GUERRA, ESQ.  
LUCY G. NOYOLA, ESQ.  
JIA RYU, ESQ.  
Oppenheim + Zebrak, LLP  
4530 Wisconsin Avenue, N.W.  
5th Floor  
Washington, D.C. 20015

FOR THE DEFENDANTS:

THOMAS M. BUCHANAN, ESQ.  
Winston & Strawn LLP  
1700 K Street, N.W.  
Washington, D.C. 20006-3817  
and  
SEAN R. ANDERSON, ESQ.  
MICHAEL S. ELKIN, ESQ.  
THOMAS P. LANE, ESQ.  
CESIE C. ALVAREZ, ESQ.  
Winston & Strawn LLP  
200 Park Avenue  
New York, NY 10166-4193  
and  
JENNIFER A. GOLINVEAUX, ESQ.  
THOMAS J. KEARNEY, ESQ.  
Winston & Strawn LLP  
101 California Street, 35th Floor  
San Francisco, CA 94111-5840  
and  
MICHAEL L. BRODY, ESQ.  
Winston & Strawn LLP  
35 West Wacker Drive  
Chicago, IL 60601  
and  
DIANA HUGHES LEIDEN, ESQ.  
Winston & Strawn LLP  
333 South Grand Avenue  
Suite 3800  
Los Angeles, CA 90071

1           NOTE: The jury selection process begins on December  
2 2, 2019, in the presence of the jury panel as follows:

3 JURY PANEL IN

4           THE CLERK: The court calls case 1:18-cv-950, Sony  
5 Music Entertainment, et al., versus Cox Communications, Inc.,  
6 et al., for a jury trial.

7           May I have the appearances, please, first for the  
8 plaintiffs.

9           THE COURT: Good morning, Mr. Zebrak. If you would  
10 identify the folks that are at counsel table this morning.  
11 Thank you, sir.

12           MR. ZEBRAK: Good morning. Thank you, Your Honor.

13           To my left is my colleague, Mathew Oppenheim. And my  
14 colleague, Lucy Noyola.

15           THE COURT: Thank you. Okay.

16           Mr. Buchanan.

17           MR. BUCHANAN: Good morning, Your Honor. To my right  
18 is Michael Elkin. Ellen Brickman. And Thomas Lane.

19           THE COURT: All right, good morning.

20           And your second -- the second table as well, Mr.  
21 Buchanan, if you would. I didn't mean to --

22           MR. BUCHANAN: Jennifer Golinveaux. Marcus Delgado.  
23 And Kristen Weathersby.

24           THE COURT: All right, thank you.

25           And, Mr. Zebrak, those in the second table, if you

1 would. I apologize for confusing you.

2 MR. ZEBRAK: Thank you, Your Honor. Geoffrey Israel.  
3 Laurie Kuslansky. And Jeffery Gould.

4 THE COURT: All right, thank you.

5 All right, good morning, ladies and gentlemen. My  
6 name is Liam O'Grady, and I'll be the judge presiding over this  
7 trial.

8 As you were made aware by a sheet of paper I sent  
9 down to you to review, this is a civil case with a number of  
10 plaintiffs against Cox and Cox Communications, and I'll discuss  
11 it a little more fully in a minute.

12 I am assisted by my staff, who will try and keep me  
13 traveling in the right direction. And, importantly, Mr.  
14 Ruelas, who is our Court Security Officer, who will be an  
15 important part of our trial and your time here.

16 Let's start out by finding out who we have here. So  
17 let's call roll, please.

18 THE CLERK: Good morning, ladies and gentlemen. As I  
19 call your name and your juror number, would you please stand,  
20 answer present, and then you may be seated once your name is  
21 called.

22 I apologize in advance if I mispronounce anybody's  
23 name.

24 NOTE: The jury panel is called and sworn.

25 THE COURT: All right, thank you.

1           As I said, this is a civil case. The plaintiff  
2 comprises 53 record companies and music publishers. The  
3 defendant is Cox Communications and CoxCom, LLC. And  
4 plaintiffs are suing the defendants for infringing its  
5 copyrighted sound recordings and musical compositions.

6           More specifically, they're suing defendants for  
7 contributing to the infringement or vicarious liability for its  
8 customers, Cox's customers, that it alleges unlawfully  
9 downloaded a total of 10,017 copyrighted sound recordings and  
10 music compositions without permission between February 13 of  
11 2013 and November of 2014.

12           The defendants have denied the charges, and that's  
13 why we're having a trial now to decide that very important  
14 issue for all parties concerned.

15           Let's start out by asking -- do any of you know each  
16 other on the jury pool? There are a couple of similar names.

17           Yes, sir, please -- and I am going to -- this is  
18 called voir dire, or voir dire depending upon what TV show you  
19 watch, but it is an opportunity for counsel to decide who is  
20 best suited to sit on this jury.

21           So when I get a positive answer to a question,  
22 please, you will get the microphone, I will ask you to use your  
23 juror number if you remember it, as well as your name before  
24 you speak.

25           So, good morning, sir.

1 JUROR COSGROVE: Good morning, Your Honor. I am  
2 juror number 9, Ryan Cosgrove. I know the man next to me, Nick  
3 Delaware, he used to be my lacrosse coach in high school.

4 THE COURT: All right. And, Mr. Cosgrove, can I rely  
5 on you, if you are both selected on the jury, to both  
6 independently make the important decisions that are necessary  
7 in this case and not collectively?

8 JUROR COSGROVE: Yes.

9 THE COURT: All right. Thank you, Mr. Cosgrove.  
10 And you, sir, again your last name?

11 JUROR DELAWARE: Delaware.

12 THE COURT: Okay. You are Nicholas Delaware, number  
13 12?

14 JUROR DELAWARE: Yes, sir.

15 THE COURT: All right. And you are a lacrosse coach  
16 as well as involved in other activities. And do I have your  
17 agreement, sir, that you will not collaborative if both you and  
18 Mr. Cosgrove are put on the jury together, but you will make  
19 the decisions that you need to make individually, sir?

20 JUROR DELAWARE: Yes, sir.

21 THE COURT: All right, thank you.

22 I gave you all a list of the plaintiffs, they will be  
23 placed in categories, I think a total of six groupings. So  
24 it's not as daunting as you may first perceive it. And I am  
25 sure that for both plaintiffs and defendants you all will

1 recognize the names.

2 But let me ask you more particularly, are any of you  
3 personally acquainted with, current or former officers,  
4 directors, or employees of any of those companies? Or are you  
5 yourself involved with those companies?

6 JUROR DELORENZO: Hi. I am juror number 13, Jill  
7 Delorenzo. I am not sure if it's 100 percent affiliated, but I  
8 have a family member who is a vice-president, NBC Universal. I  
9 don't know if it is tied to the Universal Group.

10 THE COURT: Okay. Ms. Delorenzo, what type of work  
11 does your cousin do?

12 JUROR DELORENZO: Oh, it's my husband's uncle, he is  
13 a vice-president of West Coast operations. So he's involved  
14 with the whole operation. He has been with that company for a  
15 very long time.

16 THE COURT: Okay. And is he involved in the music  
17 industry portion of it, or --

18 JUROR DELORENZO: I personally am not sure. But he  
19 also has his daughter working for the company too, so my  
20 husband's cousin.

21 THE COURT: Okay. Is there any reason why, based on  
22 information you've received from any family members, do you  
23 think it would be difficult to be fair and impartial in this  
24 case and decide it only on the evidence you hear in this  
25 courtroom and the law that I give you?

1 JUROR DELORENZO: Yeah. I mean, I would do my  
2 absolute best. I think I would still be all right. But if  
3 it's tied to his company, then that would be challenging. But,  
4 yeah.

5 THE COURT: Is he a plaintiff, I'm sorry?

6 MR. OPPENHEIM: I believe, Your Honor, NBC Universal  
7 is the movie studio, it is not the record company.

8 THE COURT: Okay. Does that --

9 JUROR DELORENZO: He's involved in the television  
10 side, yeah.

11 THE COURT: Okay. All right. But if I instruct you  
12 that you are to decide this case just based on the evidence you  
13 hear and the law that I give you, will you do that?

14 JUROR DELORENZO: Yes, sir.

15 THE COURT: All right. Thank you.

16 Anybody else?

17 JUROR NEWHOUSE: Juror number 34, Neil Newhouse. I  
18 run a public affairs/public opinion research firm. We have  
19 done work for Cox Communications in the past.

20 THE COURT: All right. And how long ago?

21 JUROR NEWHOUSE: It has been eight or nine years. I  
22 can't recall that.

23 THE COURT: Eight or nine years. And what is your  
24 position in the company? Or how were you involved?

25 JUROR NEWHOUSE: Partner, founding partner.



1 THE COURT: Okay. And were you personally involved  
2 in the work that you did with Cox?

3 JUROR NEWHOUSE: I think I may have done some work,  
4 but I don't -- it's been awhile. We do a lot of projects.

5 THE COURT: Is there any reason why the work that you  
6 did you believe would make it difficult for you to be fair and  
7 impartial in this case and decide it --

8 JUROR NEWHOUSE: No, Your Honor.

9 THE COURT: All right. Thank you, Mr. Newhouse.

10 JUROR CALABRESE: Yes, Michael Calabrese, number 5.

11 THE COURT: Yes, sir.

12 JUROR CALABRESE: I just wanted to point out, I do  
13 employ -- not employ. I utilize Cox residential services for  
14 my home, Internet cable.

15 THE COURT: All right. I am sure that there is more  
16 than one person that uses Cox. Let me have a show of hands for  
17 everybody that uses Cox in some form as the internet provider  
18 and have you identify yourselves.

19 All right, Mr. Calabrese.

20 And, Joe, would you give the mike to the remaining  
21 people who also -- again, Mr. Cosgrove.

22 JUROR COSGROVE: Yeah, hi. Number 9, Ryan Cosgrove.  
23 I work for another telecom company that uses Cox as an  
24 underlying carrier for the service we provide.

25 THE COURT: All right. And what's that other

1 carrier?

2 JUROR COSGROVE: I work for Granite  
3 Telecommunications.

4 THE COURT: Okay. Is there any reason why that  
5 relationship would make it difficult for you to be fair and  
6 impartial in this case, sir?

7 JUROR COSGROVE: I don't believe so, no. But I just  
8 wanted to point it out.

9 THE COURT: Yes, I appreciate it.

10 Mr. Calabrese, any reason why using Cox would make it  
11 difficult for you to be fair and impartial in this case?

12 JUROR CALABRESE: No, no reason.

13 THE COURT: All right, thank you.

14 Mr. Delaware.

15 JUROR DELAWARE: Number 12, Nick Delaware. I also  
16 use Cox for Internet.

17 THE COURT: All right. Any reason why that would  
18 make it difficult for you to be fair and impartial in this  
19 case?

20 JUROR DELAWARE: No, sir.

21 THE COURT: All right, thank you.

22 We have some over on the other side too. Okay.

23 JUROR LIEBHABER: Richard Liebhaber, number 31.

24 THE COURT: All right, good morning. Do you use Cox  
25 for Internet?

1 JUROR LIEBHABER: No, I'm a Fios subscriber.

2 THE COURT: Okay. Any reason why -- I'm going to  
3 have a broader question for you all, but is there anything in  
4 your relationship with your Internet service provider which  
5 would make it difficult for you to be fair and impartial in  
6 this case?

7 JUROR LIEBHABER: No.

8 THE COURT: Thank you, Mr. Liebhaber.

9 JUROR FURNEAUX: Juror 19, Pam Furneaux.

10 THE COURT: Yes, ma'am.

11 JUROR FURNEAUX: I also use Cox.

12 THE COURT: You use Cox? Any reason why that would  
13 make it difficult for you to be fair and impartial in this  
14 case?

15 JUROR FURNEAUX: Not at all.

16 THE COURT: All right, thank you.

17 JUROR SHAAFI: Good morning. I am judge -- I am  
18 juror number 45, Mojgan Shaafi. I use Cox.

19 THE COURT: All right. Ms. Shaafi, any reason why  
20 that would make it difficult for you to be fair and impartial  
21 in this case?

22 JUROR SHAFFI: No, not at all.

23 THE COURT: Thank you, Ms. Shaafi.

24 JUROR JIN: Juror number 26, Tina Jin. I also use  
25 Cox for personal and business.

1 THE COURT: All right. Ms. Jin, any reason why that  
2 would make it difficult for you to be fair and impartial in  
3 this case?

4 JUROR JIN: No.

5 THE COURT: Thank you, Ms. Jin.

6 JUROR MOHAN: Juror number 33, Manoj Mohan. I also  
7 use Cox for Internet service.

8 THE COURT: All right. Any reason why that would  
9 make it difficult for you to be fair and impartial in this  
10 case?

11 JUROR MOHAN: No, sir.

12 THE COURT: Thank you, Mr. Mohan.

13 JUROR KHAN: Juror number 27, Jamil Khan. In the  
14 past I used Cox Communications.

15 THE COURT: All right. Any reason why that would  
16 make it difficult for you to be fair and impartial, sir?

17 JUROR KHAN: Not at all, sir.

18 THE COURT: All right, thank you.

19 Anybody else? All right.

20 Related questions. Do you or any family member have  
21 a financial relationship, past or present, with any of these  
22 companies? For instance, stock in the company.

23 Do you or any family members or anyone close to you  
24 have strong feelings positive or negative towards any of these  
25 companies? All right, thank you.

1           Mr. Zebrak or Mr. Oppenheim, would you now introduce  
2 the law firms, and where you're located, who are working on  
3 behalf of the plaintiffs in the case. And then when you're  
4 done with that, give me a moment to ask a question.

5           Go ahead.

6           MR. OPPENHEIM: Good morning. My name is Matt  
7 Oppenheim, and I am here with my colleagues from the law firm  
8 of Oppenheim + Zebrak located in Washington, D.C.

9           THE COURT: All right, thank you. Does anybody work  
10 with or have done any work with that firm?

11           Do any of you know any of the lawyers who were  
12 introduced or other parties here in the court -- in the well of  
13 the court on behalf of plaintiffs?

14           All right. Then, Mr. Elkin, if you would do the  
15 same, please.

16           MR. ELKIN: Good morning. Michael Elkin, Winston &  
17 Strawn is the name of our firm representing Cox. We are based  
18 in Washington -- the lawyers representing Cox here come from  
19 our Washington, D.C., office, New York, Chicago, Los Angeles,  
20 and San Francisco.

21           THE COURT: All right. Do any of you know Mr. Elkin  
22 or the other members of the Winston & Strawn law firm?

23           Yes, sir.

24           JUROR PATEL: Milin Patel, number 36. I am an IP  
25 attorney. I have seen their faces before, I don't know where.

1 Possibly I came to a courtroom to see them. I work for  
2 Hewlett-Packard Enterprise. So we may have used one of the  
3 attorneys at some point.

4 THE COURT: Okay. Did you personally work with --  
5 recall working with any of the attorneys at Winston & Strawn?

6 JUROR PATEL: No.

7 THE COURT: Okay. Any reason why it would prevent  
8 you from being fair and impartial in this case?

9 JUROR PATEL: No.

10 THE COURT: All right. Thank you, Mr. Patel.

11 Anyone else? All right.

12 Mr. Oppenheim, please identify for plaintiff the  
13 witnesses that you expect to testify in the case.

14 And, ladies and gentlemen, please listen carefully.  
15 If you recognize any of those names, I will ask you to stand  
16 and tell me how.

17 Please, go ahead.

18 MR. OPPENHEIM: These are the list of the witnesses  
19 we may call during the course of this trial. Michael Abitbol.  
20 Sam Bahun. David Benjamin. Barbara Frederiksen-Cross. Matt  
21 Flott. David Kokakis. Paul Kahn. Dennis Kooker. Wade Leak.  
22 Dr. William Lehr. Steve Marks. Dr. George McCabe. Dr.  
23 Terrence McGarty. Alasdair McMullan. Brent Beck. Matt  
24 Carothers. Sanford Mencher. Sidd Negretti. Joseph Sikes.  
25 Linda Trickey. Roger Vredenburg. Jason Zabek. Chris Bell.

1 Neil Carfora. William Basquin. Tom Foley. Jorge Fuenzalida.  
2 Jason Gallien. Jon Glass. Vance Ikezoye. Dong Jang. Paul  
3 Jarchow. Clint Summers. Brian Stifel. And Jeff Walker.

4 THE COURT: All right. Do any of you recognize any  
5 of those names? All right. Thank you.

6 Mr. Elkin, if you would do the same, please.

7 MR. ELKIN: Yes. And with apologies to the Court and  
8 to the prospective jurors, some of these names are repetitive,  
9 but I didn't have a chance to cross them off the list.

10 THE COURT: All right.

11 MR. ELKIN: So I apologize for that. Brent Beck.  
12 Christian Tregillis. Christopher Bakewell. Kevin Almeroth.  
13 Linda Trickey. Lynn Weber. Matt Carothers. Nick Feamster.  
14 Sandy Mencher. Christopher Monson. Sam Bahun. Sidd Negretti.  
15 Slawomir Paszkowski. Steven Marks. Vance Ikezoye. Victoria  
16 Sheckler. Barbara Frederiksen-Cross. Brian Stifel. Clint  
17 Summers. George McCabe. Jason Zabek. Joseph Sikes. Paul  
18 Jarchow. Randy Cadenhead. Terrence McGarty. William Lehr.  
19 Alasdair McMullan. Anish Patel. Christopher Bell. David  
20 Benjamin. David Kokakis. Dong Jang. Jason Gallien. Jeremy  
21 Blietz. Jon Glass. Matt Flott. Michael Abitbol. Neil  
22 Carfora. Paul Kahn. Steven Poltoak. Tom Foley. Wade Leak.  
23 Jill Lesser. Jorge Fuenzalida. Samuel Rubin. Seth Nielson.  
24 And William Basquin.

25 THE COURT: All right, thank you.

1           Anybody recognize any of those names? Yes, ma'am.

2           JUROR KRAYER: Juror number 29, Erin Kraye. I  
3 recognize the name Chris Bell.

4           THE COURT: All right. In a professional or a  
5 personal way?

6           JUROR KRAYER: Professional. I worked for him in a  
7 former company, Active Risk. So likely no relation, but --

8           THE COURT: Okay. Where is Mr. Bell from, Mr. Elkin?  
9 Is he local, or is he --

10          Where did you come in contact with him?

11          JUROR KRAYER: Our offices were in Herndon. I'm not  
12 sure if he still works there any longer.

13          THE COURT: Okay. Mr. Oppenheim.

14          MR. OPPENHEIM: I am happy to answer your question.

15          THE COURT: Yes, sir.

16          MR. OPPENHEIM: I assume there are many Chris Bells  
17 in the world. The one that is a potential witness for both  
18 parties works for Warner Music Group in New York. I believe  
19 it's in New York, correct? No, I'm sorry, in Los Angeles.  
20 Sorry. I apologize. In Los Angeles.

21          THE COURT: Okay. Does that sound like the same  
22 person?

23          JUROR KRAYER: I doubt it's the same person. I don't  
24 think so.

25          THE COURT: All right. Thank you, Mr. Kraye.



1 JUROR NEWHOUSE: Juror 34, Neil Newhouse. I  
2 recognize the name Tom Foley as a former congressman, if that's  
3 the right -- the same Tom Foley.

4 THE COURT: I am not sure.

5 MR. OPPENHEIM: We don't intend to call any members  
6 of Congress.

7 JUROR NEWHOUSE: He is a former member.

8 MR. OPPENHEIM: Or a former member of Congress.

9 JUROR NEWHOUSE: Thank you.

10 MR. OPPENHEIM: I assume it is a different Tom Foley.

11 MR. ELKIN: Agreed.

12 THE COURT: Thank you Mr. Newhouse.

13 Anybody else? All right.

14 The attorneys estimate that the evidence in the case,  
15 as you probably can glean from the number of witnesses who were  
16 just identified, is going to last approximately two weeks. And  
17 I know that you're all thinking about the holidays as you're  
18 listening to me with trepidation.

19 I believe that the case will be submitted to the jury  
20 in the first part of the third week, which would be the 16th,  
21 17th. Perhaps you will be here on the 18th deliberating, but  
22 you will be free a week before Christmas.

23 And for those of you who are like my wife and do all  
24 your Christmas shopping in October and November, it's not a big  
25 problem.

1           For of those of you who are like me and wait until  
2 the 22nd of December, you will have time to do that. So I hope  
3 that you won't be concerned that we're going to really -- we  
4 are definitely going to take up a lot of your time, but we'll  
5 have you out of the courthouse in time to enjoy the holiday  
6 season.

7           And there is never a good time for a jury to sit, and  
8 most people want to do it, but nobody wants to do it today, we  
9 are all very busy. But our system of justice is the greatest  
10 in the world because of you all. You come in here and you give  
11 us your time, your concentration, you make difficult decisions  
12 on very important matters, and it should be a jury making those  
13 decisions. So it's a very important, vital part of our  
14 administration of justice.

15           I do excuse jurors for certain reasons. If you are a  
16 single parent and have no one to take care of children if you  
17 are here in the courtroom. If you are a solo practitioner, and  
18 I mean solo practitioner, whose store is closed, whose business  
19 is not operating if you are here in the courthouse. If you  
20 have medical appointments which cannot be rescheduled. Or,  
21 obviously, hopefully not, but any surgeries or hospital visits.  
22 If you have business trips which cannot be rescheduled. Or  
23 prepaid vacations which cannot be rescheduled as well.

24           So if any of you fit into one of those categories,  
25 let's go to the far side first. Please raise your hand.

1 JUROR TINSLEY: Hi. I am juror number 48, Sarah  
2 Tinsley. I am settling on a new home on Monday, the 9th, that  
3 I will need to attend to sign. And moving on the 10th.

4 THE COURT: All right. Thank you, Ms. Tinsley.

5 I forgot -- I forgot to mention, students to have  
6 exams over the next several weeks.

7 Yes, sir.

8 JUROR EMBREY: Juror 17, Kenneth Embrey.

9 THE COURT: Yes, sir.

10 JUROR EMBREY: I am the sole provider of  
11 transportation for my mother of 81 years, double cancer  
12 survivor. She has quite a few appointments. I did not realize  
13 that this would be turning into such a long situation.

14 THE COURT: All right. And there is nobody else that  
15 can --

16 JUROR EMBREY: The closest brother I have is in  
17 Williamsburg, and the next one is over in Ohio working.

18 THE COURT: All right. Thank you, Mr. Embrey.

19 JUROR EMBREY: Thank you.

20 JUROR KOCH: Juror number 28, Megan Koch. I have  
21 prepaid travel December 26 through January. I don't know if  
22 that would affect this.

23 THE COURT: All right. Thank you. It will not.

24 JUROR MOHAN: Juror number 33, Manoj Mohan. I have  
25 two trips planned. On December 9 through 12th I have a

1 business trip. And then December 23 onwards to January 3 I  
2 have an international trip planned, which is prepaid.

3 THE COURT: Your business trip on the 9th, that can't  
4 be rescheduled, Mr. Mohan?

5 JUROR MOHAN: No. It's already prepaid. And time to  
6 reschedule -- I worked hard for it, to get into that  
7 conference.

8 THE COURT: All right. Thank you, Mr. Mohan.

9 JUROR CISIEWICZ: Hi, I am juror number 7, Melanie  
10 Cisiewicz. My fiancé has surgery on Wednesday, he's a fireman  
11 and he was injured on Thanksgiving at a house fire.

12 I'm also a teacher, and it's the end of the quarter,  
13 semester. And I teach drivers ed. And we have finals coming  
14 up. So I would like to be there for them.

15 THE COURT: All right. Thank you, Ms. Cisiewicz.

16 JUROR ATKINSON: Hi. I am juror number 2, Cynthia  
17 Atkinson. And I have surgery scheduled for December 9.

18 THE COURT: All right. And that can't be  
19 rescheduled, Ms. Atkinson?

20 JUROR ATKINSON: No, sir.

21 THE COURT: Okay. All right, thank you.

22 JUROR LOMBARDO: Good morning. Juror number 32,  
23 Rhonda Lombardo. I have several doctors' appointments  
24 scheduled this week.

25 THE COURT: Immediately over the course of this week?

1 JUROR LOMBARDO: Yes, sir.

2 THE COURT: And those can't be rescheduled?

3 JUROR LOMBARDO: Well, they could, sir, but I  
4 experience pain if I don't attend those appointments.

5 THE COURT: All right, thank you.

6 JUROR LOMBARDO: Thank you, sir.

7 JUROR DELORENZO: Hi. I am juror number 13, Jill  
8 Delorenzo. I am five months pregnant with my third child. And  
9 I have an appointment on Tuesday, the 10th, with the RN who  
10 works with the practice, it is a midwifery practice, and I'm  
11 required to see her at least once during my pregnancy. And she  
12 actually comes out from Winchester to Chantilly.

13 So it would be very hard to reschedule that. I have  
14 actually been trying to get that for awhile.

15 And I am responsible for bringing my kindergartner  
16 and first grader to and from school.

17 THE COURT: All right. Thank you, Ms. Delorenzo.

18 JUROR BUCHHOLZ: Juror number 4, Paul Buchholz. I  
19 have an appointment on the 10th. I am currently being  
20 on-boarded to a new medication. So like I only have pills  
21 through the 11th. So if I don't get in on the 10th, then I  
22 don't know where that leaves me in respect with my health.

23 THE COURT: You don't think you can get an  
24 appointment on the weekends to do that or in the evenings, sir?

25 JUROR BUCHHOLZ: My psychiatrist doesn't have

1 anything but daytime.

2 THE COURT: Okay. All right. Thank you, Mr.  
3 Buchholz.

4 JUROR BUCHHOLZ: Thanks.

5 JUROR GIBSON: Juror number 20, Daijah Gibson. On  
6 the 10th, next week, I will be moving into my new home.

7 THE COURT: Okay. You are moving from one location?

8 JUROR GIBSON: To a new city, I am moving to  
9 Fredericksburg.

10 THE COURT: Moving to Fredericksburg?

11 JUROR GIBSON: Yes.

12 THE COURT: All right. Thank you, Ms. Gibson.

13 JUROR KREMPIN BRIDGMAN: I am juror 30, Jennifer  
14 Krempin Bridgman. I am self-employed, so ever day I sit here,  
15 I am not earning an income. So please keep that in mind.

16 THE COURT: All right. And there is nobody else that  
17 can help you while you're absent?

18 JUROR KREMPIN BRIDGMAN: It's doable, but not great.

19 THE COURT: Okay. All right, thank you.

20 JUROR ARNOLD: Juror number 1, Joseph Arnold. I have  
21 prepaid travel scheduled for this Thursday and Friday.

22 THE COURT: I am sorry, tell me your name. You are  
23 Mr. Arnold?

24 JUROR ARNOLD: Yes.

25 THE COURT: You have a prepaid trip this Thursday and

1 Friday?

2 JUROR ARNOLD: Correct.

3 THE COURT: Is that one you can't --

4 JUROR ARNOLD: I have already paid for the moving  
5 truck.

6 THE COURT: Okay. All right. Thank you, Mr. Arnold.

7 JUROR NEWHOUSE: Juror number 34, Neil Newhouse. I  
8 have a prepaid vacation out of the country starting on Sunday.

9 THE COURT: Starting when, Mr. Newhouse?

10 JUROR NEWHOUSE: This Sunday?

11 THE COURT: This coming Sunday?

12 JUROR NEWHOUSE: Yes, sir, Your Honor.

13 THE COURT: All right, thank you.

14 JUROR DINH: Juror number 14, Kimberly Dinh. I do  
15 have a medical appointment tomorrow. I don't know if I can  
16 reschedule at this point, it's too abrupt. I didn't get a  
17 notice until after 6 p.m. on Friday, and they already closed.

18 THE COURT: Well, that's when we send the notices out  
19 because we want to make sure that the cases are going to trial  
20 before we ask people to come in.

21 You don't know whether you can reschedule that  
22 appointment? Is it just a routine appointment?

23 JUROR DINH: Yes. It takes along time to get another  
24 appointment, that's the only problem.

25 THE COURT: Okay. All right. Thank you, Ms. Dinh.

1 JUROR ROSENBERGER: Hi. Heather Rosenberger, number  
2 42. I have a vacation scheduled the 12th through the 14th.

3 THE COURT: I'm sorry, I didn't hear any of that, Ms.  
4 Rosenberger. Tell me again.

5 JUROR ROSENBERGER: I have a vacation scheduled the  
6 12th through the 14th.

7 THE COURT: 12th through the 14th. Okay. And you've  
8 already paid for that, and you're out of town, is that fair?

9 JUROR ROSENBERGER: Yes, sir.

10 THE COURT: Okay. All right. Thank you, Ms.  
11 Rosenberger.

12 JUROR KHAN: Juror number 27, Jamil Khan. I have a  
13 planned vacation scheduled December 22 to all the way  
14 January 3, I believe. And I have several medical appointments  
15 before I go to vacations.

16 THE COURT: All right. Thank you, Mr. Khan.

17 JUROR PATEL: Milin Patel, number 36. I have a  
18 prepaid vacation scheduled from the 21st to the 31st.

19 THE COURT: Okay. All right. Thank you, Mr. Patel.

20 JUROR VELAZQUEZ: I am juror number 53, Carmen  
21 Velazquez. This Thursday I had to spend half a day in the  
22 emergency room with a kidney stone coming down.

23 THE COURT: I am sorry.

24 JUROR VELAZQUEZ: And the doctor said that it could  
25 take up to 31 days. The pain can come at any time, can



1 reoccur.

2           Apart from that, my son and his wife are in the  
3 middle of a custody battle in the State of Minnesota with the  
4 District Court for Winona County. And my grandson, who is in  
5 temporary foster care, with his uncle, has asked me to go see  
6 him. So I had to already plan to go there at the end of  
7 December or the beginning of January.

8           THE COURT: All right. I don't want to get too  
9 personal. Are you taking medication for the pain presently?

10           JUROR VELAZQUEZ: If the pain comes again, I am  
11 supposed to take medication, otherwise -- I mean, it's  
12 uncomfortable right now, but not to the point of me taking  
13 medication.

14           THE COURT: Okay. All right. Thank you, Ms.  
15 Velazquez.

16           JUROR VELAZQUEZ: Thank you.

17           JUROR NOLDE: Juror number 35, Susan Nolde. We have  
18 a planned vacation returning -- leaving Friday night, returning  
19 Monday night.

20           THE COURT: Leaving this Friday night and returning  
21 next Monday night?

22           JUROR NOLDE: Correct.

23           THE COURT: Okay. And your last name, I'm sorry?

24           JUROR NOLDE: Nolde. 35.

25           THE COURT: 35, okay. All right. Thank you, Ms.

1 Nolde.

2 JUROR SHAAFI: I am number 45, Mojgan Shaafi. I am  
3 the only dentist in my practice. I have patients scheduled  
4 until mid-January. Some of the patients coming next week and  
5 this week have more urgent matters, cavities and crowns, that  
6 may be a little difficult or may get complicated if I were to  
7 reschedule them to mid-January.

8 My husband has a colonoscopy next Thursday, I am the  
9 ride, but I could always arrange somebody else to do that.

10 THE COURT: Is there somebody else in your practice  
11 that practices --

12 JUROR SHAAFI: I'm the only dentist. It's my  
13 practice, I'm the only dentist, yes.

14 THE COURT: Thank you, Ms. Shaafi.

15 JUROR SHAAFI: Sure.

16 JUROR LIEBHABER: Number 31, Richard Liebhaber. This  
17 is just a heads-up, Your Honor.

18 THE COURT: Yes, sir.

19 JUROR LIEBHABER. So I have a three-week ski vacation  
20 starts December 21.

21 THE COURT: All right. Thank you, Mr. Liebhaber.

22 JUROR LIEBHABER: That kind of gets close to the  
23 edge.

24 THE COURT: Yeah. We will be done by then, but thank  
25 you for bringing it to my attention.

1 JUROR JIN: Hi, 26, Tina Jin. I am a solo  
2 practitioner child psychiatrist, and I don't have anybody else  
3 to see my patients while I'm here.

4 THE COURT: Are you seeing people during the day, or  
5 in the evenings, or --

6 JUROR JIN: Unfortunately, I have small kids too, so  
7 I have to be home in the evening.

8 THE COURT: All right. Thank you, Ms. Jin.

9 JUROR SANDOVAL: Number 44, Robert Sandoval. I have  
10 overseas travel scheduled for my work on December 18.

11 THE COURT: So you're leaving on the 18th; is that  
12 right?

13 JUROR SANDOVAL: Yes, sir.

14 THE COURT: All right. Thank you, Mr. Sandoval.

15 JUROR COURTIEN: Steven Courtien, juror number 10.  
16 Next week we had an unscheduled grievance arbitration hearing  
17 in Washington, D.C. Also, we are establishing a new  
18 organization that I will be the head of, and I have interviews  
19 for new employees for the rest of the month.

20 THE COURT: All right. Thank you, Mr. Courtien.

21 JUROR COSGROVE: Juror number 9, Ryan Cosgrove. I  
22 have prepaid travel plans starting this Thursday evening  
23 through the rest of the weekend. We just moved my grandmother  
24 to my nursing home, so I was traveling up to visit her. So I  
25 already paid for all of that.

1 THE COURT: All right. Thank you, Mr. Cosgrove.

2 JUROR COSGROVE: Thank you.

3 JUROR HENRIQUEZ: Number 22, Andy Henriquez. I'm a  
4 student and have exams coming up over the next few weeks.

5 THE COURT: Are you going full-time, or are you in  
6 the evenings?

7 JUROR HENRIQUEZ: Full-time.

8 THE COURT: Okay. And where are you going to school?

9 JUROR HENRIQUEZ: It's community college, Lord  
10 Fairfax.

11 THE COURT: How many exams do you have scheduled?

12 JUROR HENRIQUEZ: I have four.

13 THE COURT: All right. Thank you, Mr. Henriquez.

14 JUROR TRAN: Juror number 50, Bay Tran. I have a  
15 doctor's appointment on the 9th. And also I have the jury  
16 summons on the 18th. So I have two at the same time.

17 THE COURT: Okay, I'm sorry, I didn't get that.

18 JUROR TRAN: I have summons for the jury duty for the  
19 Loudoun County on the 18th.

20 THE COURT: Okay.

21 JUROR TRAN: And I also have the doctor's appointment  
22 on the 9th.

23 THE COURT: Can you reschedule your medical  
24 appointment, sir?

25 JUROR TRAN: Medical maybe, but I don't know how I

1 can reschedule for the jury duty.

2 THE COURT: Yeah, you can't be two places at one  
3 time, can you?

4 JUROR TRAN: Yeah, I don't know how to do that.

5 THE COURT: Okay. All right. Thank you, Mr. Tran.

6 JUROR TRAN: Thank you.

7 JUROR DELAWARE: Juror number 12, Nick Delaware. I  
8 am also self-employed where I have got to rent out facilities  
9 to see clients. And I have a number of appointments over the  
10 next couple of weeks.

11 THE COURT: All right. Thank you, Mr. Delaware.

12 All right, thank you. Have any of you acquired any  
13 information about this case from any source?

14 Do any of you have an interest in the trial or the  
15 outcome of the case?

16 Do any of you have a close friend or family member  
17 that has education, training, or does work in the Internet,  
18 satellite, or communications services, including wireless?

19 All right, Joe -- is there anybody on the far side?  
20 Ms. Delorenzo.

21 JUROR DELORENZO: Yes, that's me again, number 13.  
22 My husband's uncle that I talked to you about prior with NBC  
23 Universal, he also works satellite operations with TV. I do  
24 remember him talking about that specifically.

25 THE COURT: Okay. Thank you, Ms. Delorenzo.

1 JUROR COURTIEN: Steven Courtien, juror number 10. A  
2 lot of the contractors that we work with and negotiate with do  
3 work for Cox Communications and the communication industry in  
4 Northern Virginia.

5 THE COURT: All right. Mr. Courtien, any reason why  
6 that would make it difficult for you to be fair and impartial  
7 in this case?

8 JUROR COURTIEN: No, it won't.

9 THE COURT: Thank you. All right.

10 JUROR COSGROVE: Juror number 9, Ryan Cosgrove. As I  
11 stated before, I work for another telecom company, so I am very  
12 familiar with mobility and different wireless services,  
13 Internet connectivity, stuff like that.

14 THE COURT: All right. And again, I asked you  
15 previously, but that wouldn't affect your ability to be fair  
16 and impartial in this case; is that right?

17 JUROR COSGROVE: No.

18 THE COURT: Thank you, Mr. Cosgrove.

19 JUROR LIEBHABER: Richard Liebhaber, number 31. On  
20 November 4 I retired as a director of Cogent Communications  
21 Group, which is an Internet packet service company. We do not  
22 serve -- we did not serve end users, do not serve end users.  
23 We are basically a carrier's carrier.

24 THE COURT: All right. So clearly there will be  
25 evidence in this case about how the Internet service providers

1 operate, including expert testimony.

2 Is there any problem with you listening to the  
3 testimony and deciding the case only on the basis of the  
4 information you hear in the courtroom and the law that I give  
5 you and disregarding anything based on your employment history?

6 JUROR LIEBHABER: No.

7 THE COURT: All right. Thank you, Mr. Liebhaber.

8 JUROR PATEL: Milin Patel, number 36.

9 THE COURT: Yes, sir.

10 JUROR PATEL: I work for Hewlett-Packard Enterprise,  
11 I'm a patent attorney. So I generally know --

12 THE COURT: Okay.

13 JUROR PATEL: -- how it works.

14 THE COURT: Is your focus on any intellectual  
15 property which crosses with these services?

16 JUROR PATEL: First, mostly servers right now and  
17 cloud computing. I don't know whether or not that's --

18 THE COURT: It's the same question I asked Mr.  
19 Liebhaber, would you be able to decide this case just based on  
20 the evidence you hear, not on any personal ideas or information  
21 that you have acquired through your work, and the law that I  
22 give you? Are you able to do that, sir?

23 JUROR PATEL: Yes, I can do that.

24 THE COURT: All right. Thank you, Mr. Patel.

25 JUROR TINSLEY: Hi. Juror number 48, Sarah Tinsley.

1 I work for an IT company. And the contracts I support, we do  
2 provide telecommunications services.

3 THE COURT: All right. Any reason why that would  
4 make it difficult for you to be fair and impartial here, Ms.  
5 Tinsley?

6 JUROR TINSLEY: No.

7 THE COURT: All right, thank you.

8 JUROR BUCHHOLZ: Juror number 4, Paul Buchholz. I  
9 don't know if this applies. I am a network engineer at Oracle.  
10 I do work with like Cogent, Kayo, and XO. I don't know if that  
11 counts.

12 THE COURT: And what do you do for them? That got  
13 drowned out as well.

14 JUROR BUCHHOLZ: I am a network engineer.

15 THE COURT: Any reason why you couldn't decide this  
16 case just based on the evidence you hear and the law that I  
17 give you?

18 JUROR BUCHHOLZ: No.

19 THE COURT: All right. Thank you, Mr. Buchholz.

20 JUROR REID: Juror number 40, William Reid. I am a  
21 retired federal law enforcement officer. I worked as a  
22 criminal investigator for the U.S. Customs Service and the  
23 Department of Homeland Security. And for a period of time I  
24 was a director of the IPR Center, which is a multi-agency  
25 investigative center that was run by the former Customs Service



1 and is now run by the Department of Homeland Security.

2 THE COURT: All right. And the same question, any  
3 reason why you couldn't put any of your professional  
4 experiences aside and decide this case just based on the  
5 evidence you hear and the law that I give you?

6 JUROR REID: No, Your Honor.

7 THE COURT: All right. Thank you, Mr. Reid.

8 Anyone else? All right.

9 Do any of you, and this may be a cumulative question,  
10 but do any of you, or a close friend, or a family member have  
11 education, training, and do work in the software development or  
12 programming, or in electrical or computer engineering, or  
13 generally in the information technology industries?

14 JUROR MOHAN: Juror number 33, Manoj Mohan. I am an  
15 IT professional, I work for Capital One.

16 THE COURT: All right. And you work in their IT  
17 section at Capital One?

18 JUROR MOHAN: Yes, sir.

19 THE COURT: Okay. Any reason why you can't decide  
20 this case based on the evidence you hear and the law that I  
21 give you and put aside any of your other training?

22 JUROR MOHAN: No.

23 THE COURT: All right. Thank you, Mr. Mohan.

24 JUROR BUCHHOLZ: Juror number 4, Paul Buchholz. I'm  
25 a network engineer for Oracle.

1           THE COURT: And the same question I asked you a  
2 minute ago, not a problem?

3           JUROR BUCHHOLZ: No.

4           THE COURT: All right. Thank you, Mr. Buchholz.

5           JUROR ROSENBERGER: Juror 42, Heather Rosenberger. I  
6 negotiate contracts for an R&D company.

7           THE COURT: All right. Thank you, Ms. Rosenberger.

8           JUROR WING-BONICA: Hannah Wing-Bonica, 55. My  
9 husband works for a T-shirt company, and he does cloud  
10 computing. And I also work for a -- technically a tech  
11 start-up, but specializes in location data.

12           THE COURT: All right. And any reason why you  
13 couldn't put aside any information between your husband or you  
14 and your business and decide this case just based on the  
15 evidence you hear and the law that I give you?

16           JUROR WING-BONICA: No, sir.

17           THE COURT: Thank you, Ms. Wing-Bonica.

18           Yes, sir, Mr. Patel.

19           JUROR PATEL: Milin Patel, number 36. I have a  
20 computer engineering background.

21           THE COURT: All right. Any reason why you can't just  
22 decide this case based on the evidence you hear and the law  
23 that I give you?

24           JUROR PATEL: No.

25           THE COURT: Thank you, Mr. Patel.

1 JUROR SHAAFI: Number 45. My husband was in the IT  
2 industry. And no reason why I can't judge fairly.

3 THE COURT: All right. Thank you, Ms. Shaafi.

4 JUROR SANDOVAL: Number 44, Robert Sandoval. I am  
5 currently retired from the U.S. government, but I have degrees  
6 in electrical and computer engineering and a network  
7 specialist.

8 THE COURT: All right. And any reason why you  
9 couldn't put that training aside and just decide this case  
10 based on the evidence you hear and the law that I give you?

11 JUROR SANDOVAL: No, sir.

12 THE COURT: All right. Thank you, Mr. Sandoval.

13 Anyone else?

14 JUROR HERR: 23, Dana Herr. I'm retired from the IT  
15 industry.

16 THE COURT: All right. And what did you do in your  
17 work?

18 JUROR HERR: Just everything. Computers, everything.

19 THE COURT: All right. Any reason why you think you  
20 couldn't put aside any of your own training and decide this  
21 case just based on the evidence you hear?

22 JUROR HERR: No problem.

23 THE COURT: All right. Thank you, Mr. Herr.

24 Anyone else? All right.

25 I asked you all previously whether you were Cox

1 subscribers or worked with Cox. And none of you believed that  
2 that would preclude you from being fair and impartial in this  
3 case. And let me broaden out the question and ask whether any  
4 of you believe that based on your experience with any Internet  
5 service provider or cable company, that you have any prejudices  
6 or bias that you believe would make it difficult for you to be  
7 fair and impartial in this case?

8 All right, thank you.

9 This case involves, as I said, Internet providers,  
10 Cox, and also it's customers who are alleged to have downloaded  
11 music through BitTorrent or other sites that we will talk about  
12 in a minute, and as a result not paid for the music that they  
13 acquired.

14 And have any of you ever received notices from your  
15 own Internet service provider indicating that they believed  
16 that you may have downloaded yourself or a family member music  
17 that wasn't paid for and got a notice as a customer that you  
18 were unlawfully using their computer to do so?

19 That would be Mr. Cosgrove.

20 JUROR COSGROVE: Yeah, number 9, Ryan Cosgrove.  
21 Yeah, I received one one time back in college when I was, you  
22 know, poor kid buying or not buying music.

23 THE COURT: All right. And any reason why that  
24 experience would make it difficult for you to be fair and  
25 impartial in this case?

1 JUROR COSGROVE: I mean, I don't believe so.

2 THE COURT: Well, I mean, some people believe that  
3 they should be able to download music from any source that they  
4 can acquire it and that it's fair game. And that's not what  
5 the law is.

6 So will you agree to follow the law that I give you  
7 and listen to the evidence notwithstanding your experience as a  
8 college student?

9 JUROR COSGROVE: Yeah.

10 THE COURT: All right. Thank you, Mr. Cosgrove.  
11 Anybody else?

12 JUROR COERR: Juror number 8, Kimberly Coerr. It  
13 actually wasn't music, it was movies, it was my underage son  
14 downloading illegal movies.

15 THE COURT: All right. So you got a notice?

16 JUROR COERR: We had like, like a restriction on --  
17 they slowed the speed, that's how I found out about it. Like,  
18 why the hell is my Internet so bad? And it's because he was  
19 downloading movies. So he stopped.

20 THE COURT: And who was the provider?

21 JUROR COERR: Verizon Fios.

22 THE COURT: And any reason why that experience would  
23 make it difficult for you to be fair and impartial in this  
24 case?

25 JUROR COERR: No.

1 THE COURT: All right. Thank you, Mr. Coerr.

2 JUROR NEWHOUSE: Juror number 34, Neil Newhouse. A  
3 decade or so more ago we had a lot of songs from Napster. So  
4 we received a few notices.

5 THE COURT: All right. And that was a different  
6 version of how music was acquired.

7 JUROR NEWHOUSE: Right.

8 THE COURT: But it won't be the subject of this  
9 lawsuit, but it may be referenced. And any reason based on the  
10 experience you had back in the day that you couldn't be fair  
11 and impartial in this case?

12 JUROR NEWHOUSE: No, Your Honor.

13 THE COURT: All right. Thank you, Mr. Newhouse.

14 All right, thank you.

15 Do any of you, or a family member, or someone close  
16 to you have experience with copyrights or musical artists,  
17 including yourself if you're a musical artist, personally or  
18 for a company that you have worked for?

19 JUROR WING-BONICA: Hannah Wing-Bonica, 55. I have a  
20 close friend who works for -- she's like an analyst for a music  
21 copyright with a company based out of D.C. I am blanking out  
22 on the name of it, but she does that for a living.

23 THE COURT: All right. Anything that she has  
24 communicated to you about the industry which you believe would  
25 make it difficult for you to be fair and impartial here?

1 JUROR WING-BONICA: No.

2 THE COURT: All right. Thank you, Mr. Wing-Bonica.

3 JUROR COERR: Again, Kimberly Coerr, number 8. I am  
4 in the events industry, and I am very familiar with ASCAP, EMI,  
5 and paying the licensing fees and such like that.

6 THE COURT: Okay. Any reason why that knowledge you  
7 couldn't put aside and decide this case just based on the  
8 evidence you hear and the law I give you?

9 JUROR COERR: No reason.

10 THE COURT: Thank you, Ms. Coerr.

11 JUROR ROSENBERGER: Number 42, Heather Rosenberger.  
12 I negotiate copyright and IP.

13 THE COURT: Okay. Thank you, Ms. Rosenberger.  
14 Mr. Patel.

15 JUROR PATEL: Milin Patel, 36. I'm a patent lawyer.  
16 I took a course on copyrights. I have it as a small part of my  
17 job duties.

18 THE COURT: Okay. Any reason why you couldn't follow  
19 the law that I give you, which may or may not be inconsistent  
20 with your practice, and also listen to the evidence and decide  
21 the case only on that?

22 JUROR PATEL: No reason.

23 THE COURT: All right. Thank you, Mr. Patel.

24 JUROR NOLDE: Juror 35, Susan Nolde. My husband is  
25 the director of post-production for Monumental Sports and

1 Entertainment. So he does work with copyrighted music at  
2 times.

3 THE COURT: All right. Any reason why the  
4 discussions you have had with him would make it difficult for  
5 you to be fair and impartial in this case, Ms. Nolde?

6 JUROR NOLDE: No.

7 THE COURT: Thank you.

8 JUROR PERLMUTTER: Bernard Perlmutter, juror 37. I  
9 worked for 24 years for AFTRA, the American Federation of  
10 Television and Radio Artists, in New York. And we represented  
11 recording artists. And I was familiar with recording artists  
12 and with labels.

13 THE COURT: Okay. And what was your -- what were  
14 your job duties generally?

15 JUROR PERLMUTTER: Well, I negotiated contracts when  
16 I worked directly for AFTRA. And then I was director of  
17 operations for their health and retirement fund.

18 THE COURT: All right. Any reason why you couldn't  
19 be fair and impartial in this case and decide it just on the  
20 evidence you hear and the law that I give you?

21 JUROR PERLMUTTER: No.

22 THE COURT: All right. Thank you, Mr. Perlmutter.

23 JUROR TREENE: Juror 51, Eric Treene. When I was a  
24 law clerk, I drafted an opinion in a case involving a dispute,  
25 a copyright dispute between two movie studios.



1 THE COURT: All right. How long ago was that?

2 JUROR TREENE: That was now 25 years.

3 THE COURT: All right. Do you think you can put that  
4 aside and decide the case just based on the evidence you hear  
5 and the law that I give you today?

6 JUROR TREENE: Yes, yes, Your Honor.

7 THE COURT: Thank you, Mr. Treene.

8 Anyone else?

9 Do any of you have strong opinions, either positive  
10 or negative, about music publishers, or record companies, or  
11 copyright protection for music or the downloading of music  
12 which would make it difficult for you to be fair and impartial  
13 in this case? Thank you.

14 Do any of you, or a relative, or a friend make a  
15 portion of your livelihood from writing, or performing, or  
16 selling, distributing, or managing the rights to music,  
17 including licensing or royalties from music?

18 And I heard from one or more of you about licensing,  
19 but anyone else who hasn't previously answered that related  
20 question? All right.

21 Have any of you heard or visited the Web sites  
22 torrentfreak.com, arstechnica.com, or techdirt.com?

23 JUROR ARNOLD: Number 1, Joseph Arnold.

24 THE COURT: Yes, go ahead, sir.

25 JUROR ARNOLD: I visited the Web site ARS Technica.

1 And I have heard of TorrentFreak.

2 THE COURT: Do you recall what the purpose of that  
3 visit was?

4 JUROR ARNOLD: It was articles, reading articles.

5 THE COURT: All right. Thank you, sir.

6 Ms. Wing-Bonica.

7 JUROR WING-BONICA: Hannah Wing-Bonica, 55. Yes, I  
8 do read ARS Technica, my husband does as well, just kind of  
9 more like for technology articles, things that interest me.

10 THE COURT: All right. Thank you, Ms. Wing-Bonica.  
11 Mr. Patel.

12 JUROR PATEL: Also ARS Technica, read the articles.

13 THE COURT: Okay. Thank you.

14 JUROR KRAYER: Juror number 29, Erin Kraye, also ARS  
15 Technica. I work in communications and social media. So it's  
16 one of the sites I have been to for articles.

17 THE COURT: Thank you, Ms. Kraye.

18 I have got a few more here. Have you heard or  
19 visited any of the following Web sites? ThePirateBay. Kickass  
20 Torrents. PublicBT. Or ExtraTorrent. Or any of the other  
21 torrent Web sites? Anybody on the left? Okay.

22 Mr. Cosgrove.

23 JUROR COSGROVE: Yeah, I have. Juror number 9, Ryan  
24 Cosgrove. I have visited PirateBay, BitTorrent. I think I  
25 used Kickass one time in the past.

1 THE COURT: Okay. Any reason why, as I said before,  
2 you couldn't follow the law and the evidence that you hear and  
3 decide the case on it?

4 JUROR COSGROVE: No.

5 THE COURT: All right. Thank you, Mr. Cosgrove.  
6 Anybody else? Okay.

7 Do any of you use any of those sites I just  
8 mentioned, or Gnutella, or Ares, or eDonkey to download music?

9 Have any of you used Internet file sharing, all  
10 called peer-to-peer or P2P networking or computing, either  
11 personally or in your business?

12 Mr. Mohan.

13 JUROR MOHAN: Number 33, Manoj Mohan. We use that  
14 for our work, but obviously work-related stuff.

15 THE COURT: All right. Thank you, sir.

16 JUROR BUCHHOLZ: Juror number 4, Paul Buchholz. I  
17 have to use it for work sometimes.

18 THE COURT: All right. Thank you, Mr. Buchholz.

19 Do any of you have -- any of you, I guess in the  
20 past, or a member of your family, or a close friend worked at  
21 the Federal Communications Commission, the FCC, or the Library  
22 of Congress?

23 Have any of you heard of prior litigation or lawsuits  
24 in which the recording industry either has been involved in  
25 lawsuits with, for instance, Napster in the past, have any of

1 you heard or read about any of those lawsuits?

2 We have Mr. Treene, of course, who wrote an opinion.  
3 But, Mr. Patel.

4 JUROR PATEL: I probably read about most of them or  
5 saw CLEs.

6 THE COURT: Any reason why you can't be fair and  
7 impartial here and decide this case just based on the evidence  
8 you hear and the law that I give you?

9 JUROR PATEL: No.

10 THE COURT: Thank you, Mr. Patel.

11 Anyone else?

12 Mr. Treene, did you have anything in addition to  
13 the -- was that your hand that was up? I couldn't see.

14 JUROR TREENE: Just I am generally aware and follow  
15 those in the media.

16 THE COURT: Right. And any reason why you couldn't  
17 disregard those and handle this case just based on what you  
18 hear here and the law I give you?

19 JUROR TREENE: No, Your Honor.

20 THE COURT: Thank you, Mr. Treene.

21 All right. Let me see counsel at the sidebar then.

22 You know what, I'm sorry, I have additional  
23 questions, I missed a whole group of them. Have a seat and we  
24 will continue on. Reading off of too many sheets this morning.

25 Do any of you have a problem seeing, or hearing, or

1 understanding the English language, or any other disability  
2 which might make it difficult for you to hear or see or  
3 understand the evidence as it's being put in?

4 JUROR BUCHHOLZ: Juror number 4, Paul Buchholz.

5 THE COURT: Yes, sir.

6 JUROR BUCHHOLZ: I get migraines from the lights  
7 which bother me.

8 THE COURT: I am sorry to hear that. And I  
9 understand. All right. Thank you, Mr. Buchholz. That I can't  
10 cure with some amplifiers for hearing, I am afraid.

11 Have any of you served previously as a juror in a  
12 criminal or civil case, or as a member of a grand jury in  
13 either state or federal court?

14 Yes, Ms. Coerr.

15 JUROR COERR: Coerr, Kimberly Coerr, juror 8. I was  
16 on a federal civil case.

17 THE COURT: Okay. And how long ago was that?

18 JUROR COERR: Maybe 12 to 15 years ago.

19 THE COURT: Okay. And where was it?

20 JUROR COERR: San Diego.

21 THE COURT: All right. Do you remember the type of  
22 case it was?

23 JUROR COERR: Yes, it was a lawsuit by some  
24 individuals against San Diego County Sheriff's Office.

25 THE COURT: All right. And was the jury able to

1 reach a verdict in the case?

2 JUROR COERR: Yes.

3 THE COURT: All right. Any reason why that  
4 experience would make it difficult for you to be fair and  
5 impartial here?

6 JUROR COERR: No. It's a good experience, everybody  
7 should go through it.

8 THE COURT: All right. Thank you very much for  
9 saying that. All right, thank you.

10 JUROR CISIEWICZ: Number 7, Melanie Cisiewicz. I  
11 actually served as a juror here about five years ago.

12 THE COURT: All right. Was it civil or a criminal  
13 case?

14 JUROR CISIEWICZ: Civil. It was two insurance  
15 companies.

16 THE COURT: All right. Was the jury able to reach a  
17 verdict in the case?

18 JUROR CISIEWICZ: Yes.

19 THE COURT: All right. Thank you, Ms. Cisiewicz.  
20 I'm sorry, anything about that experience which would make it  
21 difficult for you to be fair and impartial here?

22 JUROR CISIEWICZ: No.

23 THE COURT: Thank you.

24 JUROR ATKINSON: Juror number 2, Cynthia Atkinson.  
25 Probably about 25 years ago I served as a juror in Arlington

1 County, an embezzlement case.

2 THE COURT: All right. And was the jury able to  
3 reach a verdict in that case, Ms. Atkinson?

4 JUROR ATKINSON: No.

5 THE COURT: The jury what, what they call hung?

6 JUROR ATKINSON: A hung jury.

7 THE COURT: It was a hung jury?

8 JUROR ATKINSON: Yes.

9 THE COURT: All right. Anything about that  
10 experience which would make it difficult for you to be fair and  
11 impartial here?

12 JUROR ATKINSON: No, sir.

13 THE COURT: Thank you, Ms. Atkinson.

14 JUROR COURTIEN: Juror number 10. About five years  
15 ago, Virginia state, Fairfax County, criminal case. It was  
16 dismissed for evidence. And no effect.

17 THE COURT: All right. So you never got to  
18 deliberate?

19 JUROR COURTIEN: No.

20 THE COURT: All right. Thank you, Mr. Courtien.

21 JUROR TREENE: Juror number 51, Eric Treene. I was  
22 on a criminal jury in Arlington County about 15 years ago.

23 THE COURT: All right. And was the jury able to  
24 reach a verdict, Mr. Treene?

25 JUROR TREENE: Yes, it was.

1 THE COURT: All right. Anything about that  
2 experience which would make it difficult for you to be fair and  
3 impartial here?

4 JUROR TREENE: No, Your Honor.

5 THE COURT: All right, thank you.

6 JUROR PERLMUTTER: Bernard Perlmutter, juror 37. I  
7 was on a civil case in Brooklyn, New York, about 20 years ago.

8 THE COURT: All right. And were you able to reach a  
9 verdict in the case?

10 JUROR PERLMUTTER: Yes.

11 THE COURT: Any reason why you couldn't be fair and  
12 impartial here?

13 JUROR PERLMUTTER: No.

14 THE COURT: Thank you, Mr. Perlmutter.

15 Anyone else?

16 JUROR LIEBHABER: Juror number 31, Richard Liebhaber.  
17 1972, Stanford, Connecticut, burglary. He changed his plea  
18 when he saw the jury.

19 THE COURT: All right. And any reason why you  
20 couldn't be fair and impartial here, Mr. Liebhaber?

21 JUROR LIEBHABER: No.

22 THE COURT: All right. Thank you, sir.

23 JUROR FURNEAUX: Juror 19, Pam Furneaux. I served  
24 twice in D.C., it was criminal, and dismissed; and in Fairfax  
25 three years ago, civil, we reached a verdict.



1           THE COURT:   Okay.   And anything about those  
2 experiences, Ms. Furneaux, which would make it difficult for  
3 you to be fair and impartial here?

4           JUROR FURNEAUX:   No.

5           THE COURT:   All right, thank you.

6           Has any member of the panel ever served as an expert  
7 witness for any party in a lawsuit, or as a fact witness?

8           All right, Mr. Courtien.

9           JUROR COURTIEN:   Not in court, but for arbitrations,  
10 grievances.

11          THE COURT:   All right.   And, Mr. Courtien, anything  
12 about that experience which would make it difficult for you to  
13 be fair and impartial?

14          JUROR COURTIEN:   No, Your Honor.

15          THE COURT:   All right, thank you.   I think there was  
16 another hand.

17          JUROR NEWHOUSE:   Juror 34, Neil Newhouse.   I did a  
18 poll in a change of venue case for a murder case.

19          THE COURT:   Okay.   And so, did you wind up testifying  
20 in court?

21          JUROR NEWHOUSE:   Yes, Your Honor.

22          THE COURT:   All right.   Anything about that  
23 experience which would make it difficult for you to be fair and  
24 impartial here?

25          JUROR NEWHOUSE:   No.

1 THE COURT: All right. Thank you, Mr. Newhouse.

2 JUROR WILLS: Your Honor, juror 54, Chris Wills. I  
3 served as a prosecution witness in a court-martial at Fort  
4 Leonard Wood, Missouri.

5 THE COURT: All right. How long ago was that, Mr.  
6 Wills?

7 JUROR WILLS: It was about five years ago, sir.

8 THE COURT: All right. And anything about that  
9 experience which would make it difficult for you to be fair and  
10 impartial here?

11 JUROR WILLS: None at all.

12 THE COURT: Thank you, Mr. Wills.

13 JUROR REID: Juror number 40, William Reid. I served  
14 as an expert witness in a criminal case involving money  
15 laundering, I testified as a money laundering expert.

16 THE COURT: How long ago was that, Mr. Reid?

17 JUROR REID: That was probably in 1995, 1996.

18 THE COURT: All right. Really any reason why you  
19 couldn't be fair and impartial here based on that prior  
20 experience?

21 JUROR REID: No, Your Honor.

22 THE COURT: All right. Thank you, Mr. Reid.  
23 Mr. Liebhaber.

24 JUROR LIEBHABER: Juror number 31, Richard Liebhaber  
25 again. 2005 Denver federal, an income tax debate. And I

1 served as an expert witness for the Government.

2 THE COURT: For the Government. All right. Anything  
3 about that experience which you believe would make it difficult  
4 for you to be a juror in this case?

5 JUROR LIEBHABER: No.

6 THE COURT: All right, thank you.

7 All right. Do you or any member of your family or  
8 close friend have any legal training or background?

9 We have Mr. Patel, who is a lawyer. And Mr. Treene,  
10 who is a lawyer as well.

11 Anyone else?

12 JUROR ROSENBERGER: Heather Rosenberger, 42. I  
13 negotiate contracts.

14 THE COURT: All right. Thank you.

15 Mr. Wills.

16 JUROR WILLS: Yes, sir. Juror 54, Chris Wills. I  
17 was an Army military policeman for 21 years.

18 THE COURT: All right. Any reason why that would  
19 make it difficult for you to be fair and impartial in this  
20 case, sir?

21 JUROR WILLS: Not at all.

22 THE COURT: All right, thank you.

23 Mr. Reid, your law enforcement background.

24 JUROR REID: Law enforcement. I have a juris  
25 doctorate degree from George Mason University School of Law.

1 And I served the Supreme Court of Virginia as a magistrate,  
2 supervising magistrate in Northern Virginia, and I also heard  
3 cases as a magistrate.

4 THE COURT: All right. For any of particular -- for  
5 Fairfax County or --

6 JUROR REID: So I was supervisory magistrate for the  
7 Northern Virginia region, which encompasses the four judicial  
8 districts in Northern Virginia: Arlington, Alexandria, Prince  
9 William County, and Fairfax County.

10 THE COURT: All right. And were they mostly  
11 misdemeanor matters?

12 JUROR REID: So in the state court system,  
13 magistrates hear probable cause and they hold bail hearings.  
14 And so, I did both of those.

15 THE COURT: Okay. And any reason why that experience  
16 would make it difficult for you to be fair and impartial here?

17 JUROR REID: No.

18 THE COURT: All right. Thank you, Mr. Reid.

19 JUROR KREMPIN BRIDGMAN: Juror number 30, Jennifer  
20 Krempin Bridgman. I attended law school. For about ten years  
21 I worked in-house in legal marketing.

22 THE COURT: In what kind of work?

23 JUROR KREMPIN BRIDGMAN: Legal marketing. And now in  
24 a consulting capacity.

25 THE COURT: Okay. And any reason why that would make

1 it difficult for you to be fair and impartial and decide the  
2 case just based on the law I give you?

3 JUROR KREMPIN BRIDGMAN: No, sir.

4 THE COURT: All right. Thank you, Ms. Bridgman.

5 JUROR LOMBARDO: Yes, sir, number 32, Rhonda  
6 Lombardo. My husband is an FBI agent who administers polygraph  
7 tests.

8 THE COURT: All right. Any reason why that would  
9 make it difficult for you to be fair and impartial here?

10 JUROR LOMBARDO: No, sir.

11 THE COURT: All right. Thank you, Ms. Lombardo.

12 JUROR TINSLEY: Number 48, Sarah Tinsley. I  
13 negotiate contracts. And my sister is a paralegal.

14 THE COURT: All right. And again, any reason why you  
15 couldn't be fair and impartial here in this case?

16 JUROR TINSLEY: No.

17 THE COURT: Thank you, Ms. Tinsley.

18 JUROR WING-BONICA: Hannah Wing-Bonica, 55. I have a  
19 friend who works for a law firm and he focuses on GDPR.

20 THE COURT: GDPR. What does that stand for?

21 JUROR WING-BONICA: So it's kind of like the privacy  
22 data law that is kind of coming in, make sure that you kind of  
23 follow that. It has to do with like cookies and things like  
24 that.

25 THE COURT: All right. Does any of the information

1 that he has shared with you make it difficult for you to be  
2 fair and impartial here?

3 JUROR WING-BONICA: No.

4 THE COURT: All right, thank you.

5 JUROR FANG: Juror number 18, Duanming Fang. My son  
6 is a lawyer, works for SEC.

7 THE COURT: All right. Mr. Fang, what does he focus  
8 on at his work, do you know?

9 JUROR FANG: I don't know exactly what he is working  
10 on. Looks like he works on the security department.

11 THE COURT: All right. Any reason why any  
12 conversations you have had with your son would make it  
13 difficult for you to be fair and impartial in this case?

14 JUROR FANG: No, not at all.

15 THE COURT: All right. Thank you, Mr. Fang.  
16 Mr. Perlmutter.

17 JUROR PERLMUTTER: Bernard Perlmutter, juror 37.  
18 From 1986 to 2000 I negotiated collective bargaining agreements  
19 for AFTRA in New York, primarily for broadcast talent. And I  
20 backed up some people who worked under the commercial radio  
21 code and the radio recorded commercials contract and sound  
22 recordings.

23 THE COURT: All right. Any reason why that would  
24 make it difficult for you to be fair and impartial here?

25 JUROR PERLMUTTER: No.

1 THE COURT: Thank you, Mr. Perlmutter.

2 Anyone else?

3 THE COURT: Mr. Khan.

4 JUROR KHAN: Yes, sir. My daughter have her last  
5 year in law college. And she also working --

6 THE COURT: I am sorry, we lost some of that. Your  
7 daughter is in law school?

8 JUROR KHAN: Yes, yes, Your Honor.

9 THE COURT: Okay.

10 JUROR KHAN: And she also working Fairfax law firm, I  
11 am not sure what the name is, but she is working there  
12 part-time.

13 THE COURT: All right. And any reason based on  
14 anything that she has told you that would make it difficult for  
15 you to be fair and impartial here, sir?

16 JUROR KHAN: Not at all, sir.

17 THE COURT: All right. Thank you, Mr. Khan.

18 JUROR BENNETT: Juror number 3, Nicholas Bennett. My  
19 dad works for the FBI, he does 508 compliance.

20 THE COURT: He does what kind of compliance?

21 JUROR BENNETT: Section 508 compliance.

22 THE COURT: All right. Is there anything that he has  
23 told you about his work that would make it difficult for you to  
24 be fair and impartial here, Mr. Bennett?

25 JUROR BENNETT: No, Your Honor.

1 THE COURT: All right, thank you.

2 Has anyone, you or anyone in your immediate family  
3 ever participated in a lawsuit as a party or in another  
4 capacity? I know we have some witnesses who were involved in  
5 litigation. But anyone else who has not previously answered?

6 Yes, Mr. Reid.

7 JUROR REID: Number 40. I was a plaintiff in a  
8 personal injury lawsuit several years ago.

9 THE COURT: All right. And Was that resolved to your  
10 satisfaction?

11 JUROR REID: Yes, it was.

12 THE COURT: So it wouldn't have any effect on your  
13 ability to be fair and impartial here?

14 JUROR REID: No, it would not.

15 THE COURT: All right. Thank you, Mr. Reid.

16 JUROR NOLDE: Number 35, Susan Nolde. It was also a  
17 personal injury lawsuit from a traffic accident.

18 THE COURT: Okay. Was it resolved to your  
19 satisfaction?

20 JUROR NOLDE: Yes, it was fine.

21 THE COURT: And any reason why you couldn't be fair  
22 and impartial here based on that?

23 JUROR NOLDE: No.

24 THE COURT: All right, thank you.

25 JUROR TREENE: Yes, Eric Treene, juror 51. I was a



1 defendant along with several other DoJ officials in a lawsuit  
2 by someone who didn't like a brief we had filed in a case. And  
3 it was a crank, one of these crank suits, and eventually was  
4 dismissed.

5 THE COURT: Any lasting effect that would affect your  
6 ability to be fair and impartial here, Mr. Treene?

7 JUROR TREENE: No, Your Honor.

8 THE COURT: All right, thank you.

9 COURT SECURITY OFFICER: One more, Judge.

10 JUROR TINSLEY: Juror number 48, Sarah Tinsley. My  
11 mother was a plaintiff in a case against my sister. So it was  
12 family court.

13 THE COURT: All right. And any -- that's always  
14 unfortunate. But is there any reason why you couldn't be fair  
15 and impartial here based on that experience?

16 JUROR TINSLEY: No.

17 THE COURT: All right. Thank you, Ms. Tinsley.

18 All right, anyone else?

19 All right. Have any of you formed or expressed any  
20 opinion as to how you expect this lawsuit will conclude?

21 Are any of you sensible of any bias or prejudice  
22 against either the plaintiff or the defendant in this case?

23 If you're selected to sit on this case, will you be  
24 able to render a verdict solely on the evidence presented in  
25 the context of the law that I give you in my instructions and

1 disregard any other ideas, notions, or beliefs about the law  
2 you may have encountered in the past in reaching your verdict?

3 All right. All right, let me see counsel at sidebar  
4 then.

5 NOTE: A sidebar discussion is had between the Court  
6 and counsel out of the hearing of the jury panel as follows:

7 AT SIDEBAR

8 THE COURT: Are there additional questions that you  
9 want me to ask? I think I covered the terrain.

10 MR. ELKIN: No, Your Honor.

11 THE COURT: Okay. All right. Let's do --

12 MR. OPPENHEIM: I have one, Your Honor, for one of  
13 veniremen. Mr. Patel, I believe is his name.

14 THE COURT: Patel.

15 MR. OPPENHEIM: Yes, the HP lawyer. And whether in  
16 any of his firm experience he has ever -- his firms have ever  
17 represented Cox.

18 THE COURT: You know, you know more about him than I  
19 do. He didn't say anything about prior firms. He said he is  
20 an intellectual property lawyer.

21 MR. OPPENHEIM: For Hewlett-Packard.

22 THE COURT: Right.

23 MR. OPPENHEIM: I'm guessing like most lawyers who go  
24 in-house at HP, since I know a bunch of them, are usually in  
25 private practice first. So I just wanted to make sure there is

1 no connection there.

2 THE COURT: Okay.

3 MR. OPPENHEIM: But that would be the only follow-up,  
4 Your Honor, that I would offer.

5 THE COURT: I will ask Mr. Patel that question after  
6 we're done here.

7 MR. OPPENHEIM: That's fine.

8 THE COURT: All right. Let's go on to excuse for  
9 cause. I will go down the ones that I think are clear, and  
10 then we will -- I mean, we are going to have enough jurors to  
11 use our strikes and still have eight or nine leftover at the  
12 time even if we excuse everybody. So I think that's the good  
13 news.

14 Mr. Arnold has a prepaid trip. I think it's next  
15 week, right? And I would propose excusing him for that trip.

16 Is there any objection to that?

17 MR. ELKIN: No.

18 THE COURT: Okay, we will strike Mr. Arnold.

19 Ms. Atkinson has a doctor's appointment on the 9th,  
20 and I propose excusing her. Any objection?

21 MR. ELKIN: That's fine.

22 THE COURT: Mr. Buchholz has an appointment on the  
23 10th to begin a new therapy with his psychiatrist, and  
24 indicated he is out of medication as of the 11th. I think I  
25 pushed him a little bit, but I think we should excuse him as

1 well. Any objection?

2 MR. ELKIN: No, Your Honor.

3 MR. OPPENHEIM: No.

4 THE COURT: Number 7, Ms. Cisiewicz, had a number of  
5 reasons that she wanted to be excused, but including her  
6 husband's surgery, he is a fire fighter who was injured on  
7 Thanksgiving, and she also has kids at home.

8 Any objection to excusing number 7?

9 MR. ELKIN: No, Your Honor.

10 MR. OPPENHEIM: No, Your Honor.

11 THE COURT: All right. Mr. Cosgrove has prepaid  
12 travel beginning I think Thursday through Friday, and he asked  
13 to be excused.

14 Any objection to excusing him?

15 MR. OPPENHEIM: No.

16 MR. ELKIN: No.

17 THE COURT: Ms. Delorenzo is number 13. She is  
18 pregnant and has a scheduled visit with an RN. And she also  
19 has two young kids.

20 Any objection to excusing her?

21 MR. ELKIN: No, Your Honor.

22 MR. OPPENHEIM: No.

23 THE COURT: Number 14, Ms. Dinh, has a medical  
24 appointment, and I really didn't get a sense of when that was  
25 or whether --

1 MR. OPPENHEIM: In my note, she said that it was  
2 tomorrow and it took a long time to get the appointment. I  
3 think that's what she said.

4 THE COURT: All right, any objection to excusing her?

5 MR. ELKIN: No.

6 THE COURT: Number 17, Mr. Embrey, his mother is very  
7 ill and he is the primary caregiver for her, doesn't think he  
8 can get his brother up here from Williamsburg. I would propose  
9 we excuse Mr. Embrey.

10 Any objection?

11 MR. ELKIN: No objection.

12 MR. OPPENHEIM: No.

13 THE COURT: Number 20, Ms. Gibson, is moving to  
14 Fredericksburg on the 10th. That's an excuse that I haven't  
15 heard in a long time, but I don't know what to say about that.

16 What do you all feel about that?

17 MR. ELKIN: I didn't hear enough of a hardship, Your  
18 Honor.

19 MR. BUCHANAN: Distance is pretty far if she moves  
20 down there.

21 THE COURT: In the middle of the case, that's a good  
22 point. It is still within our district, but it takes forever  
23 to get her.

24 Is there any objection to excusing her?

25 MR. OPPENHEIM: Was there a sense of whether -- I

1 can't remember whether we asked her if that could be deferred  
2 or not.

3 THE COURT: I did not ask her because she -- you  
4 know, she is young, I think she's single. She is a teacher.  
5 Yeah, she is single. So I didn't ask any follow-up.

6 MR. OPPENHEIM: That's fine.

7 THE COURT: All right, let's excuse her.

8 Number 22, Mr. Henriquez, has exams. I propose  
9 excusing him.

10 MR. OPPENHEIM: Yes.

11 MR. ELKIN: Yes, Your Honor.

12 THE COURT: Number 26, Ms. Jin, is a child  
13 psychologist who has appointments and said she could not  
14 rearrange them. Any objection to excusing her?

15 MR. ELKIN: No.

16 MR. OPPENHEIM: I guess the only question, if you're  
17 treating children, it's usually going to be after school, but  
18 there is --

19 THE COURT: Well, that's why I asked her that  
20 question.

21 MR. OPPENHEIM: You did ask her that, but I am not  
22 sure I understood the answer. But, okay, Your Honor.

23 THE COURT: Well, she also said she has young  
24 children.

25 MR. OPPENHEIM: Yes, small kids I think she said.

1 THE COURT: 32, Ms. Lombardo, has a doctor's  
2 appointment which she said she couldn't rearrange. I can't  
3 remember the reason for it. 32.

4 MR. OPPENHEIM: It was kind of an odd answer. She  
5 said, yeah, I have doctors' appointments this week, but it  
6 wasn't very particularized.

7 Oh, I guess she is the one that said she had pain  
8 without her appointments.

9 THE COURT: All right. Any objection to excusing  
10 her?

11 MR. BUCHANAN: Kidney stones.

12 THE COURT: She had the kidney stones?

13 MR. OPPENHEIM: No, she wasn't the kidney stones.  
14 That was somebody else.

15 MR. BUCHANAN: My bad.

16 MR. OPPENHEIM: The question is whether she can  
17 manage it.

18 THE COURT: All right, let's excuse her.

19 33 is Mr. Mohan, and he says he has a business trip  
20 scheduled for I think later this week that he can't reschedule  
21 and it took him a long time to get the appointment.

22 So any objection to excusing him?

23 MR. ELKIN: No objection.

24 MR. OPPENHEIM: No objection.

25 THE COURT: Mr. Newhouse also has a trip coming up

1       shortly which is prepaid. Any objection to excusing him?

2               MR. ELKIN: No objection, Your Honor.

3               MR. OPPENHEIM: No.

4               THE COURT: Number 42 is Heather Rosenberger, who has  
5 a prepaid trip between the 12th and the 14th. Any objection to  
6 excusing her?

7               MR. ELKIN: No objection, Your Honor.

8               THE COURT: 44 is Mr. Sandoval, who is leaving on the  
9 18th to Europe with a business trip prepaid. He is on the cusp  
10 there. I don't know whether you want to take a chance or not.  
11 We have enough jurors.

12               So any objection to excusing him?

13               MR. OPPENHEIM: Tell the jurors they have to decide  
14 within a short period of time.

15               THE COURT: No.

16               MR. ELKIN: That's fine, Your Honor.

17               THE COURT: 45 is Ms. Shaafi, who is a dentist. And  
18 she says she is the sole dentist in her practice and she has  
19 got appointments coming up. So I would propose that we excuse  
20 her.

21               Any objection?

22               MR. ELKIN: No, Your Honor.

23               MR. OPPENHEIM: That's fine, Your Honor.

24               THE COURT: 48 is Sarah Tinsley, who has a settlement  
25 coming up in the next several days on a home. And I think I



1 asked her whether she could do it later in the day, but I  
2 didn't get any answer that satisfied me. I don't know whether  
3 you want -- I mean, I think that is a legitimate cause.

4 But is there any objection to excusing her?

5 MR. OPPENHEIM: No, Your Honor.

6 MR. ELKIN: No objection.

7 THE COURT: 53 is Carmen Velazquez, who has the  
8 kidney stones. Any objection to excusing her?

9 MR. OPPENHEIM: No.

10 MR. ELKIN: No, Your Honor.

11 THE COURT: Okay. That's all that I have on my list.  
12 Mr. Oppenheim.

13 MR. OPPENHEIM: I think -- did we skip Mr. Tran, who  
14 said he had a doctor's appointment on the 9th and then jury  
15 duty on the 18th, and he said he didn't know how to be in two  
16 places at once?

17 THE COURT: I can get him excused from the 18th jury  
18 duty. I didn't understand what the doctor's appointment --  
19 whether that was an important appointment or not. Maybe that's  
20 because I failed to ask the question.

21 So let's leave Mr. Tran in the mix and we will work  
22 with him. You keep looking.

23 Mr. Elkin.

24 MR. ELKIN: Thank you, Your Honor. I think juror  
25 number 10, Steven Courtien, said that he had an arbitration

1 hearing next week.

2 THE COURT: Yeah. And I didn't sense that that  
3 wasn't something that he could get around. But maybe I wasn't  
4 appreciating that. I guess they are set way in advance and  
5 they are essentially like trials. He is a union rep.

6 Do you want to excuse him? I don't have any  
7 objection to that.

8 MR. OPPENHEIM: We don't object.

9 THE COURT: I think that's best. Okay, let's excuse  
10 number 10.

11 MR. OPPENHEIM: Did we skip number 12, who I  
12 thought -- Mr. Delaware, who said he is self-employed and has  
13 appointments?

14 THE COURT: Yes. And I didn't get the sense -- did  
15 he say he was self-employed?

16 MR. OPPENHEIM: I think that's what he said, yeah.  
17 At least that's what I have in my notes.

18 MR. ZEBRAK: He is the lacrosse coach and a trainer.

19 THE COURT: Yes. He and Mr. Cosgrove were standing  
20 strong.

21 MR. BUCHANAN: That's the LAX connection.

22 THE COURT: All right. Any objection to excusing Mr.  
23 Delaware?

24 MR. ELKIN: No.

25 THE COURT: Okay, let's excuse Mr. Delaware.

1           The only other one I had my list at all was Mr. Khan  
2           had indicated he had some medical appointments, but he wasn't  
3           very specific. And I didn't get a sense that there was any  
4           that were a problem. So I would not propose to excuse him.

5           MR. MORRISSY: I am sorry, which number? I am lost  
6           in my papers.

7           THE COURT: 27.

8           MR. OPPENHEIM: Right. Was he the one who said he  
9           had a vacation planned.

10          THE COURT: Yes, but it was later after the holidays.  
11          It was after Christmas.

12          MR. OPPENHEIM: Is that right?

13          THE COURT: I think.

14          All right. Anyone else?

15          MR. OPPENHEIM: One moment, Your Honor.

16          MR. ELKIN: This is not for cause yet?

17          THE COURT: This is for cause.

18          MR. ELKIN: I do have one.

19          THE COURT: Okay.

20          MR. ELKIN: 37, Bernard Perlmutter. He worked for  
21          AFTRA, so he was representing artists and labels and  
22          negotiating contracts. And --

23          THE COURT: You think that's too close to the action?

24          MR. OPPENHEIM: Well, wait a minute, AFTRA is adverse  
25          to the labels, they don't --

1 THE COURT: I understand.

2 MR. OPPENHEIM: It's a union for mostly television  
3 performers. They do have -- they end up negotiating adversely  
4 to the record companies from time to time.

5 I think what he said was he negotiates health and  
6 retirement benefit contracts.

7 THE COURT: During this more recent part of his  
8 career.

9 MR. ELKIN: I think he did say that he negotiates  
10 contracts for artists --

11 THE COURT: Earlier on.

12 MR. OPPENHEIM: But not for the labels.

13 THE COURT: Well, he said he could be fair and  
14 impartial, and I am not going to strike him. But, obviously,  
15 he's somebody you might look at in your strikes. But he was  
16 clear, he was open, he answered that he could be fair and  
17 impartial. And so, I am not going to strike him for cause.

18 Anybody else, Mr. Elkin?

19 MR. ELKIN: No, Your Honor.

20 THE COURT: Okay. Mr. Oppenheim?

21 MR. OPPENHEIM: No, Your Honor. Thank you.

22 THE COURT: I forgot, 35 is Ms. Nolde. She said she  
23 has a paid vacation leaving this Friday and not home until  
24 Monday evening.

25 Any objection to excusing her?

1 MR. ELKIN: No.

2 MR. OPPENHEIM: No, Your Honor.

3 THE COURT: All right. Why don't we take ten minutes  
4 so you can get your thoughts together, and then we will pick  
5 our jury. I will tell them, please, don't discuss the case and  
6 please come back in ten minutes, and we'll get our jury. And  
7 we'll probably take a break after we get our jury in for a  
8 lunch break. Okay?

9 Yes, sir. You each get four strikes.

10 MR. OPPENHEIM: So when will you select the eight?  
11 Is it when we come back in ten minutes, is that the process?

12 THE COURT: Yes.

13 MR. OPPENHEIM: Sorry.

14 THE COURT: We will randomly call eight names and  
15 we'll begin the process.

16 MR. OPPENHEIM: Thank you, Your Honor.

17 THE COURT: All right. Thank you, counsel.

18 MR. ELKIN: Thank you.

19 NOTE: The sidebar discussion is concluded; whereupon  
20 the case continues before the jury panel as follows:

21 BEFORE THE JURY PANEL

22 THE COURT: All right. Thank you for your patience,  
23 ladies and gentlemen.

24 We are going to take a brief recess and then come  
25 back and begin our jury selection. So, please, don't discuss

1 the case among yourselves while you're on break. Please, all  
2 of you come back in ten minutes, and we'll be able to finish  
3 the jury selection at that time. All right?

4 So we're in recess.

5 NOTE: At this point a recess is taken; at the  
6 conclusion of which the case continues in the presence of the  
7 jury panel as follows:

8 JURY PANEL IN

9 THE COURT: All right, we are going to begin the  
10 selection process for our jury. So, please, we don't have the  
11 Virginia Lottery ping-pong balls going to choose from, but I  
12 assure you that this is a random selection and you're not being  
13 targeted for some unjust cause.

14 So when you hear your name, please come forward.

15 THE CLERK: Ladies and gentlemen, as I call your  
16 name, would you please come forward and have a seat in the jury  
17 box as instructed by Joe, our Court Security Officer.

18 Juror number 27, Jamil Khan. Juror number 39, Fred  
19 Reger. Juror number 18, Duanming Fang. Juror number 6, Erica  
20 Calhoun. Juror number 24, Debra Hetmanek. Juror number 5,  
21 Michael Calabrese. Juror number 23, Dana Herr. And juror  
22 number 29, Erin Krayner.

23 NOTE: The lawyers exercise their strikes.

24 THE CLERK: The following jurors may return to their  
25 seat in the courtroom. Juror number 6, Erica Calhoun. Juror

1 number 27, Jamil Khan. And juror number 18, Duanming Fang.

2 NOTE: The above-named jurors return to their seats  
3 in the courtroom.

4 THE CLERK: Ladies and gentlemen, as I call your  
5 name, would you please come forward and have a seat in the jury  
6 box as instructed by Joe, our Court Security Officer.

7 Juror number 36, Milin Patel. Juror number 55,  
8 Hannah Wing-Bonica. And juror number 30, Jennifer Krempin  
9 Bridgman.

10 NOTE: The lawyers exercise their strikes.

11 THE CLERK: The following jurors may return to their  
12 seat in the courtroom. Juror number 36, Milin Patel. And  
13 juror number 55, Hannah Wing-Bonica.

14 NOTE: The above-named jurors return to their seats  
15 in the courtroom.

16 THE CLERK: Ladies and gentlemen, as I call your  
17 name, would you please come forward and have a seat in the jury  
18 box as instructed by Joe, our Court Security Officer.

19 Juror number 19, Pamela Furneaux. Juror number 25,  
20 Diana Holbrook.

21 NOTE: The lawyers exercise their strikes.

22 THE CLERK: The following juror may return to their  
23 seat in the courtroom. Juror number 19, Pamela Furneaux.

24 NOTE: The above-named juror returns to her seat in  
25 the courtroom.

1           THE CLERK: As I call your name, will you please come  
2 forward and have a seat in the jury box as instructed by Joe,  
3 our Court Security Officer.

4           Juror number 46, Jennifer Simonds.

5           NOTE: No further strikes are taken.

6           THE COURT: Counsel, any objection to the composition  
7 of the jury?

8           MR. OPPENHEIM: Not from plaintiffs, Your Honor.

9           MR. ELKIN: Not from defendants, Your Honor.

10          THE COURT: All right, thank you.

11          THE CLERK: Jurors, would you now stand, raise your  
12 right hand, and respond by stating "I shall" after the oath is  
13 administered.

14          NOTE: The jury for the case is sworn.

15          THE COURT: All right, Joe, do our jurors need to go  
16 to a different courtroom?

17          COURT SECURITY OFFICER: No, they can go home or  
18 return to work, but they need to call the 866 number after  
19 6 p.m. this evening.

20          THE COURT: Before you leave, let me thank you for  
21 coming in. As I said earlier today, our system of justice is  
22 the best in the world, and it is so because of each of you who  
23 bring your experience and knowledge and make the important  
24 decisions that are made here in our courthouses all across  
25 America.



1           And so, I thank you very much for coming in. I know  
2 I will hear the collective sigh of relief except for Ms. Coerr  
3 as you leave to get to the elevator. But I promise you, for  
4 those who have not had the opportunity to serve on a jury, it  
5 is a very difficult but rewarding and important event, and I  
6 hope that you will have the opportunity to serve near in the  
7 future.

8           Enjoy your holidays, and thank you again. You are  
9 excused now.

10           NOTE: Those jurors not selected for jury duty are  
11 excused and leave the courtroom and the jury selection process  
12 is completed.

13 -----  
14           PARTIAL TRANSCRIPT CONCLUDED  
15  
16  
17  
18  
19  
20

21           I certify that the foregoing is a true and  
22 accurate transcription of my stenographic notes.  
23  
24

25                               /s/ Norman B. Linnell  
                              Norman B. Linnell, RPR, CM, VCE, FCRR